



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF ENVIRONMENTAL
RESPONSE AND REMEDIATION

Brent H. Everett
Director

ERRC-145-14

August 18, 2014

Al Walburg
Oakland Roland Way, Ltd.
31 Coachwood Terrace
Orinda, California 94563

RE: Amended Certificate of Completion, Country Square Shopping Center Voluntary Cleanup Site #C062

Dear Mr. Walburg:

The Division of Environmental Response and Remediation (DERR) has received the *Groundwater Monitoring Results Report – June 2014*, dated July 9, 2014, for the Country Square Shopping Center voluntary cleanup site. The DERR has reviewed the document under the provisions of the Voluntary Cleanup Program (VCP).

Based on the review, the DERR has no additional technical comments and accepts the document. As such, Oakland Roland Way, Ltd., has completed the terms and conditions of the Voluntary Cleanup Agreement, dated January 31, 2008, except for final payment of the DERR's oversight costs. In addition, the ongoing groundwater monitoring outlined in the Site Management Plan, dated October 5, 2011, may be discontinued. An Amended Certificate of Completion (COC) is enclosed and will be recorded at the Salt Lake County Recorder's office. The DERR commends the Applicant's proactive approach in conducting a voluntary cleanup and appreciates its efforts to return an impacted property to beneficial reuse. The DERR will send a final invoice within 90 days of the date of this letter.

If you have any questions regarding this letter or the Amended COC, please contact Karen Wallner of my staff. Ms. Wallner can be contacted at (801) 536-4107. Thank you for your participation in the Utah Voluntary Cleanup Program.

Sincerely,

Brent H. Everett, Director
Division of Environmental Response and Remediation

BHE/KW/ab

Enclosure

cc: Jim Coletta, Cardno ATC (w/o enclosure)
Gary L. Edwards, M.S., Director, Salt Lake Valley Health Department (w/o enclosure)

When Recorded Return To:

Utah Department of Environmental Quality
Division of Environmental Response and Remediation
Attention: Voluntary Cleanup Program Coordinator
195 North 1950 West
Post Office Box 144840
Salt Lake City, Utah 84114-4840

RE: Country Square Shopping Center (VCP #C062)

**FIRST AMENDED AND RESTATED
CERTIFICATE OF COMPLETION**

This First Amended and Restated Certificate of Completion (“Amended COC”) amends and restates the Certificate of Completion issued to Oakland Roland Way, Ltd., on December 16, 2011 (“COC”) by the Utah Department of Environmental Quality (“UDEQ”) following completion of the Country Square Shopping Center Voluntary Cleanup. The COC was recorded December 22, 2011 as entry No. 11301823 at Book 9976 pg. 6575 – 6582. The purpose of this Amended COC is to remove groundwater monitoring requirements as a condition of the Specified Land Use in section 3 of the COC pursuant to section 5 of the COC. Also section 5 of the COC is deleted in this Amended COC because it is effectuated through the issuance of the Amended COC. The Amended COC will be effective upon the date signed by the Executive Director’s representative below.

1. Compliance with Terms of Voluntary Cleanup Program

The Executive Director of the Utah Department of Environmental Quality, through her undersigned designee below, has determined that Oakland Roland Way, Ltd., hereinafter referred to as “Applicant”, has completed a Utah Department of Environmental Quality (“UDEQ”) supervised voluntary cleanup of the real property described in Attachment A (the “Property” or “Site”), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on January 31, 2008. The Applicant is granted this Amended COC pursuant to section 19-8-111, subject to the conditions set forth in paragraph three below. A figure depicting the Property is located in Attachment B.

2. Acknowledgment of Protection from Liability

This Amended COC acknowledges protection from liability provided by section 19-8-113 of the Utah Code Annotated to an Applicant who is not responsible for the contamination under the provisions listed in subsection 19-8-113(1)(b) at the time the Applicant applied to enter into a Voluntary Cleanup Agreement, and to future owners who acquire the Property covered by this

Amended COC, and to lenders who make loans secured by the Property covered by the Amended COC.

As set forth in section 19-8-113, this release of liability is not available to an owner or lender who was originally responsible for a release or contamination, or to an owner or lender who changes the land use from the use specified in the Amended COC, if the changed use or uses may reasonably be expected to result in increased risks to human health or the environment, or to an owner or lender who causes further releases on the Property. Also, there is no release from liability if the Amended COC is obtained by fraud, misrepresentation, or the knowing failure to disclose material information.

Finally, protection from liability is limited to contamination identified in the documents related to the investigation and cleanup of the Property.

3. Specified Land Use for Certificate of Completion

The current land use is commercial/retail and will remain the same under the Amended COC. This land use is consistent with the industrial/commercial worker exposure scenario as described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. The industrial/commercial worker exposure scenario is described as: exposure to adults to incidental ingestion and dermal contact to hazardous constituents for duration of 25 years at a frequency of 250 days/year for 8 hours/day. Future uses of the Site will be limited to commercial/industrial uses.

Commercial industries that include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the facility are not approved as future uses of the Site. Commercial industries that would expose children to hazardous constituents at the Site for extended periods of time (such as day care and school facilities) are also not approved as future uses of the Site. Residential uses are not approved. Uses that are not approved as stated above would be inappropriate and unacceptable for this Site. Additional investigation and possible remediation would be required, and the Voluntary Cleanup Agreement/Amended COC amended before the Site could be used for uses that are not approved.

In addition, this Amended COC is conditioned upon non-use and non-access to groundwater located beneath the Property via wells, pits, sumps or other means for the purpose of irrigation, drinking or bathing.

4. Unavailability of Release of Liability

Use of the Property that is not consistent with section 3 shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability in section 2 unavailable.

5. Final Signature for Country Square Shopping Center Amended COC

Dated this 18th day of August, 2014.

Brent H. Everett

Brent H. Everett
Authorized Representative of the
Executive Director
Utah Department of Environmental Quality

STATE OF UTAH)

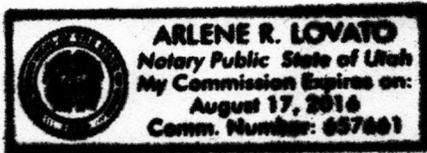
:SS

COUNTY OF Salt Lake)

On this 18th day of August, 2014, personally appeared before me,
Brent H. Everett, who duly acknowledged that he signed the above Amended Certificate of
Completion as an authorized representative of the Executive Director of the Utah Department of
Environmental Quality.

Arlene R. Lovato

NOTARY PUBLIC



Residing at: 6376 W. 3380 S.
WVC, UT 84128

My Commission Expires Aug. 17, 2016

ATTACHMENT A: Legal Description of Country Square Shopping Center Property
ATTACHMENT B: Country Square Shopping Center Figure

ATTACHMENT A

LEGAL DESCRIPTION OF COUNTRY SQUARE SHOPPING CENTER PROPERTY



LEGAL DESCRIPTION

Lots 1, 2, 3 and 6, **COUNTRY SQUARE SUBDIVISION AMENDING LOTS 55 AND 56 OF WARE SUBDIVISION #1**, according to the official plat thereof, filed in Book "2005P" of Plats, at Page 28 of the Official Records of the Salt Lake County Recorder.

Property Tax Identification Numbers:

#22-32-477-019

#22-32-477-020

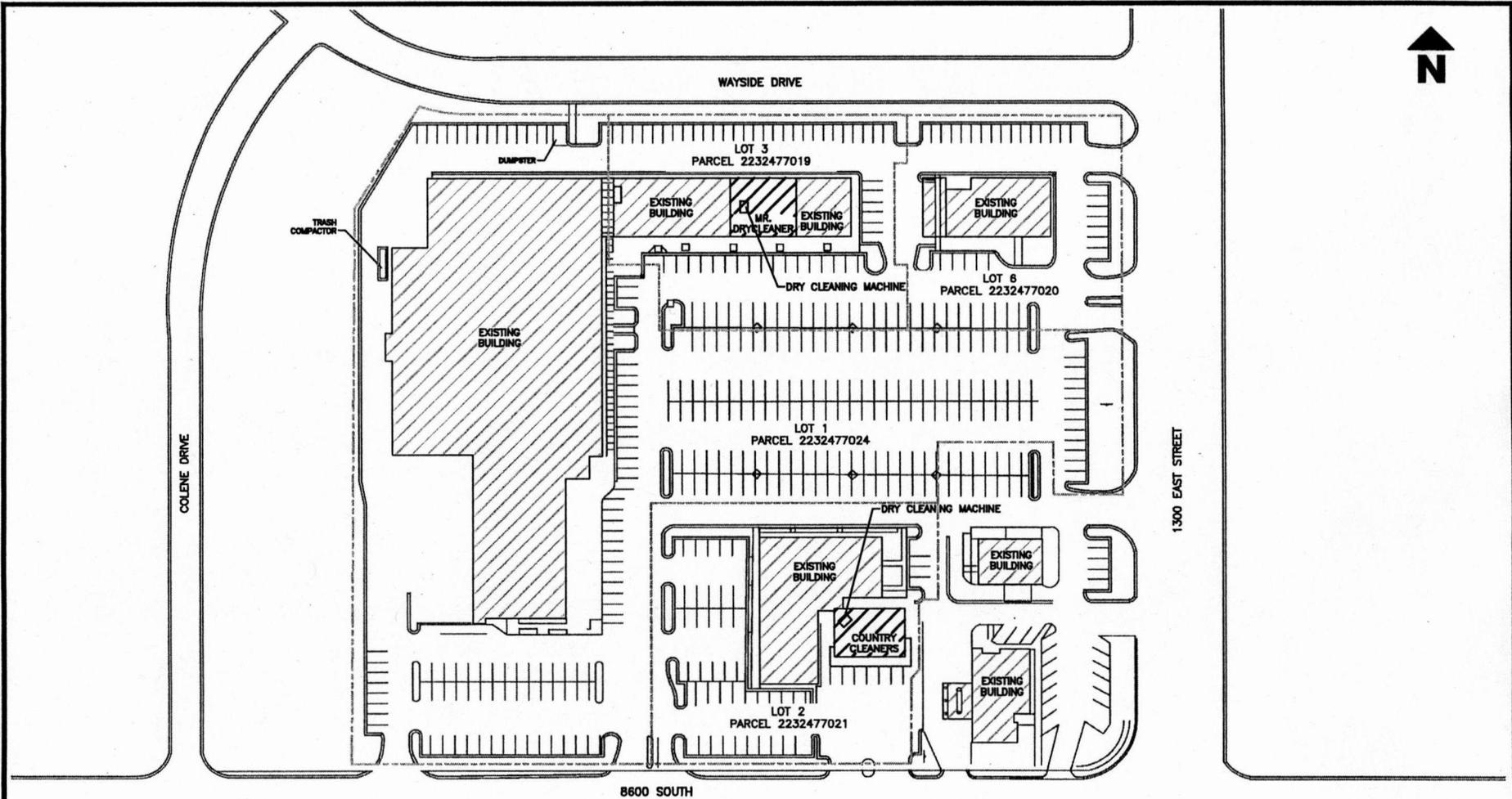
#22-32-477-021

#22-32-477-024

ATTACHMENT B

COUNTRY SQUARE SHOPPING CENTER FIGURE

Last Saved: Friday, November 18, 2011 12:37:18 PM by egoodwin Drawing path: N:\Portland\Figures\SLC\Counrty Square\JULY 2011\Drawing1.dwg



LEGEND	
	PROPERTY BOUNDARY
	PARCEL BOUNDARIES

COUNTRY SQUARE SHOPPING CENTER
 8600 SOUTH 1300 EAST
 SANDY, UTAH

Drawing
SITE MAP



Date	July 14, 2011	Scale	AS SHOWN	Fig. No.	2
File Name	Drawing1-2	Project No.	109.00404.00001		